

APPEAL NO. 031983
FILED SEPTEMBER 5, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on June 26, 2003. The hearing officer resolved the disputed issues by deciding that the compensable injury sustained on _____, does not extend to include bilateral carpal tunnel syndrome (CTS) and/or Dupuytren's contracture and that the appellant (claimant) did not have disability resulting from the injury sustained on _____ beginning June 20, 2002, and continuing through May 1, 2003. The claimant appealed, disputing both the extent-of-injury and disability determinations. The respondent (carrier) responded, urging affirmance.

DECISION

Affirmed.

The parties stipulated that the claimant sustained a compensable injury on _____, in the form of a left wrist strain/sprain. The claimant testified that he worked for the same employer for thirty-two years in the cutting department. At issue was whether the compensable injury extended to include bilateral CTS and bilateral Dupuytren's contracture. The claimant testified that he suffered from high blood pressure and diabetes.

Extent of injury and disability are questions of fact. It was for the hearing officer, as the trier of fact, to resolve the conflicts and inconsistencies in the evidence and to determine what facts had been established. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). This is equally true regarding medical evidence. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). The trier of fact may believe all, part, or none of the testimony of any witness. Taylor v. Lewis, 553 S.W.2d 153, 161 (Tex. Civ. App.-Amarillo 1977, writ ref'd n.r.e.); Aetna Insurance Co. v. English, 204 S.W.2d 850 (Tex. Civ. App.-Fort Worth 1947, no writ). The hearing officer was not persuaded by the claimant's testimony and medical evidence that the claimant's compensable injury of _____, extends to and include bilateral CTS and bilateral Dupuytren's contracture, finding that the claimant failed to establish a causal relationship between the conditions at issue and the compensable injury and/or the claimant's work activities. The hearing officer noted that it was difficult to determine what the claimant's work activities actually entailed and that although one of the medical reports in evidence noted it was a possibility that Dupuytren's contracture resulted from the claimant's work activities, there are several other causes including diabetes. The hearing officer specifically found that the claimant failed to prove that his inability to obtain and retain employment at wages equivalent to his preinjury wage beginning June 20, 2002, and continuing through May 1, 2003 was a result of the compensable injury he sustained on _____. In view of the evidence presented, we cannot

conclude that the hearing officer's determination is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **ST. PAUL MERCURY INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
800 BRAZOS
AUSTIN, TEXAS 78701.**

Margaret L. Turner
Appeals Judge

CONCUR:

Robert W. Potts
Appeals Judge

Edward Vilano
Appeals Judge